

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35016 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- PARAIYA District- Gaya

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Sandeep Yadav @ Sandeep Kumar Son of Jatudhari @ Sarju Yadav Resident
of Village - Koshdihra, P.S.- Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Paraiya P.S. Case No. 29 of 2022 lodged under Sections 354(B),
504, 506 of the I.P.C. read with Section 8 of the POCSO Act.

As per the prosecution case, it has been alleged in the
F.I.R. that the informant went to attend call of nature in the
evening. In the meantime, the petitioner reached and caught her
with wrong intention and told her to do as per his wish and
threatened to kill her upon which the informant raised alarm but
the petitioner tried to press her mouth. Upon alarm, 2 ladies
reached there and then the petitioner ran away from the place of

occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.03.2022, charge sheet has already been filed in this case. He further submits that no offence under POCSO Act has been made out at worst Section 354(B) in which punishment is for 3 years and magisterial triable.

Learned counsel also submits that there is one criminal case pending against the petitioner in which he is on bail. Learned counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the statement of victim has taken place under Section 164 Cr.P.C. in which she has supported the allegation made in the F.I.R.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that informant is minor and F.I.R. and statement under Section 161 and 164 supports each other. Learned counsel for the petitioner draw the attention on Annexure-2 & 2/1 by which it transpires that the I.O. of the

case had made request for medical test of the victim but it has been refused in written that she is not interested for medical test on which victim's mother and father have also put signature (Annexure-2 & 2/1).

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that as per his knowledge, charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but the liberty is hereby granted to the petitioner to move for bail before Trial Court after framing of charge and Trial Court is directed to release the petitioner thereafter imposing conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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